



Public Archaeology Laboratory

October 30, 2009

Mr. John Brown
Tribal Historic Preservation Officer
Narragansett Indian Tribe
P.O. Box 350
Wyoming, Rhode Island 02890

Attn: Anomie Mars

Re: Warwick Sewers, Bayside Segment, Mill Cove Site
Warwick, Rhode Island
PAL # 2214

Dear Mr. Brown:

Enclosed please find an updated status report on the Warwick Sewers Bayside Segment and archaeology of the Mill Cove Site. While things have not changed substantially in the past six months, and fieldwork remains suspended, I thought it in everyone's best interests to update all the involved parties. I had tried to email this document to you, but it failed to connect with your jb@nithpo.com and brnjb123@aol.com addresses. I have also provided a copy of the summary report to Lois Adams (EPA), Janine Burke (WSA), Paul Robinson (RIHPHC), and Todd Ravenelle (GRA) under separate cover.

If you have any questions or require additional information please don't hesitate to contact Deborah C. Cox, President, or me, at your convenience.

Sincerely,

Alan Leveillee, RPA
Senior Archaeologist

/bb

Enclosure

Alan D. Leveillee

From: Burke Janine L [janine.l.burke@warwickri.com]
Sent: Tuesday, May 20, 2008 9:11 PM
To: FEENEY III JAMES E; Alan D. Leveillee
Cc: Solitro Mathew J
Subject: FW: NIT HPA Issue

FYI. I believe this is the email EPA was promising to send this afternoon, which is the basis for us continuing to move forward with the Bayside archaeological study work.

P.S. Jim, remind me to tell you about the Rivervue improvement association meeting this evening.

From: Adams.Lois@epamail.epa.gov [mailto:Adams.Lois@epamail.epa.gov]
Sent: Tue 5/20/2008 3:01 PM
To: Burke Janine L
Subject: Fw: NIT HPA Issue

Janine,

I will talk to you later this is what I sent to Doug and John.

Lois K. Adams
Chief, Grants, Tribal and Municipal Assistance Branch United States Environmental
Protection Agency Suite 1100 Mail Code CSP One Congress St.
Boston, Massachusetts 02203
617-918-1591 phone
617-918- 0591 fax

-----Forwarded by Lois Adams/R1/USEPA/US on 05/20/2008 03:00PM -----

To: dhnithpo@gmail.com, brwnjbb123@aol.com
From: Lois Adams/R1/USEPA/US
Date: 05/20/2008 02:58PM
cc: Ken Morauff/R1/USEPA/US@EPA, Jackie Leclair/R1/USEPA/US@EPA, George
Frantz/R1/USEPA/US@EPA, James Bourne/R1/USEPA/US@EPA
Subject: Fw: NIT HPA Issue

Mr Harris,

I received your voicemail requesting clarification as to whether EPA provided consent for the WSA to move ahead with the Bayside project and you asked for our advice. Although I left this information on your voicemail and hope that we can connect sometime today, I am writing this email for the benefit of others as I am not in the office today.

Below is the original email from Ken Morauff, the Deputy Director of the Office of Ecosystem Protection which was sent Friday May 9th. It clearly states that our current understanding is that EPA is not involved in nor has control over the Bayside project. We do not have the authority to stop work or order that work commence. Our position had not changed when we spoke with Mr Brown last Wednesday May 14 and remains unchanged.

Our advice last week was to allow EPA to convene a meeting for the tribe to meet with the Warwick Sewer Authority and discuss the current matter. Unfortunately, after a lengthy discussion with Mr Brown, he decided that the scope of the meeting would not meet his needs and the meeting was canceled at his request. We informed RIDEM and WSA that the meeting has been canceled.

I personally asked Mr. Brown to consider the consequences of the site work continuing and the potential value of a meeting if it meant the possibility of coming to some meaningful solution and working with the WSA to preserve the site. He was unyielding in his resolve to conclude that the meeting would be useless for a number of reasons and was completely aware of the possible ramifications as well as expressed his intentions to pursue a legal remedy.

He requested that EPA and the tribe discuss a MOA (which I had stated was a separate issue on a separate track) and I agreed to move forward with this internally and would contact him directly. I would still like to speak with you directly and hope to do so as soon as possible.

Lois Adams

Lois K. Adams
Chief, Grants, Tribal and Municipal Assistance Branch
United States Environmental Protection Agency
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One Congress St.
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-----Forwarded by Lois Adams/R1/USEPA/US on 05/20/2008 01:43PM -----

To: dhnithpo@gmail.com
From: George Frantz/R1/USEPA/US
Date: 05/09/2008 04:20PM
cc: Ken Moraff/R1/USEPA/US@EPA, Jackie Leclair/R1/USEPA/US@EPA, Leann Jensen/R1/USEPA/US@EPA, James Bourne/R1/USEPA/US@EPA, Ken Moraff/R1/USEPA/US@EPA, Lois Adams/R1/USEPA/US@EPA, brwnjbb123@aol.com
Subject: NIT HPA Issue

Doug... see below the message just sent from Ken Moraff to John Brown re: the HPA issue which NIT raised with us. I just spoke with John Brown and he was satisfied with the memorandum, and felt that it was a substantive effort. He suggested that we meet at the Narragansett tribal HQ in Charlestown on Monday or Tuesday of next week.

I have some additional checking to do re: schedules, but I hope to get a meeting with the Tribe soon, so that other discussions may follow.

Please let me know of your availability for Tuesday, May 13. Probable start time would be approximately 10:30 AM.

Regards...

George Frantz
Regional Indian Program Manager
EPA New England (CSP)
(ph) 617-918-1883 (fax) 617-918-1505
frantz.george@epa.gov
<http://www.epa.gov/region1/govt/tribes/index.html>

Mr. John Brown
Senior Historic Preservation Officer
Narragansett Indian Tribe

Dear Mr. Brown:

As a follow up on several calls with the Tribe since we initially learned of your concerns in early April, 2008, and in response to our discussion yesterday afternoon, I want to set out EPA's understanding regarding these discussions and the next steps that the Agency is prepared to initiate:

1. EPA funding of the Warwick Sewer Authority project (Bayside) was limited to the design stage. This funding ended in December 2006, and we do not expect that any additional EPA funding will be provided for this project. As a result, the Agency is not involved in or in control of the Bayside project. Nonetheless, to address the Tribe's concerns relating to archeological investigations now being started, EPA is offering to convene a meeting of the interested parties, including the Narragansett Indian Tribe (Tribe), the Rhode Island Department of Environmental Management (RIDEM), the Warwick Sewer Authority (WSA), the State Historic Preservation Officer, and EPA. We are available to conduct this consultation by telephone as early as this afternoon, or in person early next week. We will also ask RIDEM to work with WSA to allow a short pause before commencing any soil-disturbing archeological activities, to allow this consultation process to take place. At this point, however, we are not aware of any legal authority that would allow the Agency to prohibit these activities.

2. In addition, if the Tribe wishes, EPA will also agree to hold a consultation with the Tribe prior to the discussions among the interested parties.

3. EPA also agrees to engage in discussions concerning the development of a Memorandum of Agreement (MOA) to address historic preservation issues over the longer term. This discussion should be informed by the previous MOA between the Tribe and EPA which was never finalized.

We will contact you shortly by phone to determine your availability.

Sincerely,

Ken Moraff
Deputy Director, Office of Ecosystem Protection

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